

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

PAUL CIMINO

Plaintiff (s)

v.

H & P CAPITAL, INC. ET AL

Defendant (s)

Civil Action No. 09-1254(JBS)

ORDER OF DISMISSAL

It having been reported to the Court that the above-captioned action has been settled;

IT IS on this 12TH day of AUGUST, 2009,

ORDERED THAT:

(1) This action is hereby **DISMISSED** without costs and without prejudice to the right, upon motion and good cause shown, within 60 days, to reopen this action if the settlement is not consummated; and

(2) If any party shall move to set aside this Order of Dismissal as provided in the above paragraph or pursuant to the provisions of Fed. R. Civ. P. 60(b), in deciding such motion the Court retains jurisdiction of the matter to the extent necessary to enforce the terms and conditions of any settlement entered into between the parties.

s/ JEROME B. SIMANDLE
UNITED STATES DISTRICT JUDGE

Hon. Jerome B. Simandle, USDJ
Hon. Ann Marie Donio, USMJ